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# HOUSE BILL No. 1411

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-32.

**Synopsis:** Testing of special education students. Allows a student who is a child with a disability to: (1) participate in the ISTEP test; (2) participate in an alternate assessment based on the student's age or instructional level; or (3) opt out of any testing.

**Effective:** July 1, 2007.

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January 16, 2007, read first time and referred to Committee on Education.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1411

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-32-4-1, AS ADDED BY P.L.105-2005,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (b) **and**  
4 **sections 5 and 5.1 of this chapter**, a student must meet:

5 (1) the academic standards tested in the graduation examination;  
6 and

7 (2) any additional requirements established by the governing body  
8 of the student's school corporation;  
9 to be eligible to graduate.

10 (b) Except as provided in sections 4, 5, **5.1**, 6, 7, 8, 9, and 10 of this  
11 chapter, beginning with the class of students who expect to graduate  
12 during the 2010-2011 school year, each student is required to meet:

13 (1) the academic standards tested in the graduation examination;

14 (2) the Core 40 course and credit requirements adopted by the  
15 state board under IC 20-30-10; and

16 (3) any additional requirements established by the governing  
17 body;



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to be eligible to graduate.

SECTION 2. IC 20-32-4-5, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This section applies to a student who:

- (1) is a child with a disability (as defined in IC 20-35-1-2); and
- (2) takes the graduation examination.

(b) If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following: **determines that**

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based on:

- (i) tests other than the graduation examination; or
- (ii) classroom work.

(2) the student meets all the following requirements:

(A) (1) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.

(B) (2) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.

(C) (3) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.

(D) (4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the state board.

(E) (5) Otherwise satisfies all state and local graduation requirements.

SECTION 3. IC 20-32-4-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.1. (a) This section applies to a student who:

- (1) is a child with a disability (as defined in IC 20-35-1-2); and
- (2) takes an alternate assessment under IC 20-32-5-16 instead

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of the graduation examination.

(b) Notwithstanding any other law, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student passes an appropriate alternate assessment under IC 20-32-5-16.

(2) The student maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.

(3) The student maintains at least a "C" average or the equivalent in the courses required by the student's individualized education program.

(4) The student otherwise satisfies all other nonacademic state and local graduation requirements.

(c) The state board shall adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 4. IC 20-32-5-15, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) The state superintendent shall develop an ISTEP program testing schedule in which:

(1) each student in grades 3, 6, 8, and 10 must be tested; and

(2) each student in grade 10 must take a graduation examination, **except as provided in section 16 of this chapter.**

(b) The state board shall adopt rules to establish when a student is considered to be in grade 10 for purposes of initially taking the graduation examination.

SECTION 5. IC 20-32-5-16, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A student who is a child with a disability (as defined in IC 20-35-1-2) ~~shall be tested~~ **may:**

(1) **participate in testing** under this chapter with appropriate accommodations in testing materials and procedures; ~~unless the individuals who develop the child's individualized education program determine that testing or a part of the testing under this chapter is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.~~

(2) **participate in an appropriate alternate assessment to test the student's achievement based on the student's:**

(A) age; or

(B) instructional level; or

(3) **opt out of participating in any testing or assessment.**

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(b) Any decision concerning a student who is a child with a disability (as defined in IC 20-35-1-2) regarding the student's:

(1) participation in testing **or alternate assessment** under this chapter;

(2) receiving accommodations in testing **or assessment** materials and procedures;

(3) participation in remediation under IC 20-32-8; or

(4) retention at the same grade level for consecutive school years; shall be made in accordance with the student's individualized education program in compliance with the ISTEP program manual and federal law.

SECTION 6. IC 20-32-5-16.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16.1. A student who:**

(1) **is a child with a disability (as defined in IC 20-35-1-2); and**

(2) **opts out of participating in any testing or assessment under this chapter;**

**may receive a certificate of completion if the student completes the goals set out in the student's individualized education program.**

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